

1 ROBERT S. GIANELLI, #82116
2 JOSHUA S. DAVIS, #193187
3 ADRIAN J. BARRIO, #219266
4 GIANELLI & MORRIS, A Law Corporation
5 550 South Hope Street, Suite 1645
6 Los Angeles, California 90071
7 Tel: (213) 489-1600; Fax: (213) 489-1611
8 rob.gianelli@gmlawyers.com
9 joshua.davis@gmlawyers.com
10 adrian.barrio@gmlawyers.com

11 Attorneys for Plaintiff
12 JACQUELINE ADAN, on behalf of herself and
13 all others similarly situated

14 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
15 A Limited Liability Partnership
16 MOE KESHAVARZI, Cal. Bar No. 223759
17 JOHN T. BROOKS, Cal. Bar No. 167793
18 ROBERT J. GUISTE, Cal. Bar No. 244590
19 ANDREA N. FEATHERS, Cal. Bar No. 287188
20 333 South Hope Street, 43rd Floor
21 Los Angeles, California 90071-1422
22 Tel: (213) 620-1780; Fax: (213) 620-1398
23 mkeshavarzi@sheppardmullin.com
24 jbrooks@sheppardmullin.com
25 rguite@sheppardmullin.com
26 afeathers@sheppardmullin.com

27 Attorneys for Defendant
28 Kaiser Foundation Health Plan, Inc.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

21 JACQUELINE ADAN, on behalf of herself) CASE NO.: 4:17-cv-01076-HSG (MEJx)
22 and all others similarly situated,) Assigned to Hon. Haywood S. Gilliam, Jr.
23 Plaintiff,)
24 v.)
25)
26 KAISER FOUNDATION HEALTH PLAN,)
27 INC.,)
28 Defendant.)

JOINT STIPULATION AND REQUEST
TO CONTINUE CASE MANAGEMENT
CONFERENCE; [PROPOSED] ORDER
Current Date: November 13, 2018
Requested Date: December 18, 2018

JOINT STIPULATION

WHEREAS, on March 6, 2018 the Court issued an order granting in part and denying in part Kaiser Foundation Health Plan, Inc.’s (“Kaiser’s”) Motion to Dismiss, and set a case management conference for April 3, 2018, at 2:00 p.m. (Dkt. No. 37);

WHEREAS, pursuant to the joint request and stipulation of the parties, this Court continued the April 3, 2018 case management conference to Tuesday, April 24, 2018 at 2:00 p.m. and ordered that the due date for the joint case management statement be continued to April 17, 2018;

WHEREAS, in its March 6, 2018 order granting in part and denying in part Defendant's Motion to Dismiss, the Court asked the parties to address whether it would be productive for the parties to renew their ADR efforts earlier than the October 2018 deadline contained in the parties' Joint CMC Statement filed on June 22, 2017, among other issues;

WHEREAS, prompted by the Court's inquiry, the parties began engaging in settlement negotiations and therefore requested continuance of the Case Management Conference;

WHEREAS, on April 16, 2018, the Court granted the parties' stipulation to continue the Case Management Conference to July 17, 2018, with the case management statement due July 10, 2018;

WHEREAS, on July 11, 2018, the Court granted the parties' stipulation to continue the Case Management Conference to October 2, 2018, with the case management statement due on September 25, 2018;

WHEREAS, on September 26, 2018, the Court granted the parties' stipulation to continue the Case Management Conference to November 13, 2018, with the case management statement due on November 6, 2018;

WHEREAS, the parties' settlement discussions are at a standstill;

WHEREAS, the exhaustion process contemplated by the Court's March 6, 2018 Order did not commence while settlement discussions were ongoing but now has commenced, and Kaiser requested additional information from Plaintiff, including photographs that were received by Kaiser's counsel on October 30, 2018, to consider as part of Plaintiff's submissions. The parties believe that a reasonable continuance of the Case Management Conference for approximately thirty

1 (30) days will enable Kaiser to consider Plaintiff's submissions and attempt to complete the initial
2 review so that the parties may assess the outstanding issues and develop a plan for moving forward;

3 THEREFORE, IT IS HEREBY STIPULATED AND RESPECTFULLY REQUESTED that
4 this Court continue the November 13, 2018 case management conference to Tuesday, December 18,
5 2018 at 2:00 p.m., and that the due date for the joint case management statement be continued to
6 Tuesday, December 11, 2018. The parties will address the issues itemized by the Court in its March
7 6, 2018 order in the parties' joint case management statement.

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10 DATED: November 2, 2018

GIANELLI & MORRIS

11 By: /s/ Adrian J. Barrio
12 ROBERT S. GIANELLI
13 JOSHUA S. DAVIS
14 ADRIAN J. BARRO
15 Attorneys for Plaintiff

16 DATED: November 2, 2018

SHEPPARD MULLIN RICHTER & HAMPTON

17 By: /s/ Robert J. Guite
18 MOE KESHAVARZI
19 JOHN T. BROOKS
20 ROBERT J. GUITE
21 ANDREA N. FEATHERS
22 Attorneys for Defendant Kaiser
23 Foundation Health Plan, Inc.
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2 **SIGNATURE CERTIFICATION**

3 As the attorney e-filing this document, I hereby certify that this document is acceptable to
4 Defendants' counsel Robert J. Guite and that I have his authorization to affix his electronic signature
5 to this document.

6 DATED: November 2, 2018

7 **GIANELLI & MORRIS**

8 By: /s/ Adrian J. Barrio
9 ROBERT S. GIANELLI
10 JOSHUA S. DAVIS
11 ADRIAN J. BARRIO
12 Attorneys for Plaintiff

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2 **[PROPOSED] ORDER**

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4 In accordance with the above Stipulation of the parties which is hereby incorporated by
reference, and for good cause appearing therefore, the Court orders as follows:

5 IT IS HEREBY ORDERED that the case management conference set for November 13,
6 2018 at 2:00 p.m. be continued to December 18, 2018 at 2:00 p.m. The due date for the joint case
7 management statement is continued to December 11, 2018.

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9 DATED: November 5, 2018

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Honorable Haywood S. Gilliam, Jr.
United States District Judge

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